

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT MUHLENKAMP (Germany);

Petitioner,

v.

ALLISON BLIZZARD,

Respondent.

NO. CV-07-0231-EFS

**TEMPORARY RESTRAINING ORDER  
AND  
ORDER SETTING HEARINGS AND  
DENYING AS MOOT PETITIONER'S  
REQUEST FOR SERVICE BY  
MARSHAL**

Before the Court, without oral argument, is Plaintiff's Amended Verified Petition for Return of Child to Petitioner and Petition for Immediate Issuance of Show Cause Order to Respondent (Ct. Rec. 2). The Petition is brought pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction ("Convention") and the International Child Abduction Remedies Act (ICARA), 42 U.S.C. §§ 11601 *et seq.* The Court, after reviewing the Petition, the Convention, and ICARA, is fully informed and concludes jurisdiction exists under these federal statutes.

The Petition asserts that the minor child, E.M., was wrongfully removed from her residence in Germany and has been wrongfully retained in the United States by her mother, Respondent. The Petition asserts that Respondent, the natural mother of the child, and the child are

1 located in Spokane County, Washington. The Petitioner, the natural  
2 father of the child, asserts that he has rights of custody with respect  
3 to the minor child, who was born in Germany, and was exercising his  
4 rights of custody, as he had done since the child was born, when the  
5 child was unlawfully removed and retained.

6 In the Petition, Petitioner requests, in addition to seeking return  
7 of the minor child to Germany: (1) service of a show cause order by the  
8 United States Marshals on Respondent, (2) immediate access to his  
9 daughter pending further court hearings, (3) appearance of Respondent and  
10 the child together at a court hearing, (4) prohibition of the removal of  
11 the child from the jurisdiction of the Court, and (5) safe-keeping of the  
12 child's travel documents. ICARA provides that the Court "may take or  
13 cause to be taken measures under Federal or State law, as appropriate,  
14 to protect the well being of the child involved or to prevent the child's  
15 further removal or concealment before the final disposition of the  
16 petition." 42 U.S.C. § 11604(a). Rule 65(b) of the Federal Rules of  
17 Civil Procedure provides that the Court may issue a temporary restraining  
18 order if "immediate and irreparable injury, loss, or damage will result  
19 to the applicant before the adverse party or that party's attorney can  
20 be heard in opposition."

21 Because Respondent has been personally served with the Petition, the  
22 Court denies as moot the request for service of the Petition by the U.S.  
23 Marshals. However, the Court finds the risk of concealment or further  
24 removal of the child - an irreparable injury - exists and thus grants the  
25 following relief without notice:  
26

- 1 • Respondent is to surrender any passports for herself and the
- 2 minor child to the United States District Court at any of the
- 3 United States Courthouses in Yakima, Richland, or Spokane,
- 4 Washington.
- 5 • The removal of the child from the State of Washington is
- 6 prohibited.
- 7 • Relocating the current residence of the minor child to another
- 8 location in or out of the State of Washington is prohibited.

9 As set forth in greater detail below a hearing is set on August 23,  
10 2007. **ACCORDINGLY, IT IS HEREBY ORDERED:**

11 1. Parties are directed to **Local Rule 10.1(j)** which requires that  
12 **ONLY THE INITIALS OF THE MINOR CHILD** are to be used. In addition, if an  
13 individual's date of birth must be included in the document, only the  
14 year should be used. If the sensitive information is necessary, then  
15 parties are to file an unredacted document under seal.

16 Consistent with Local Rule 10.1(j), the Court DIRECTS the Clerk's  
17 Office to file **UNDER SEAL** the Verified Petition and the Amended Verified  
18 Petition, including exhibits, (Ct. Recs. 1 & 2). Petitioner shall  
19 **ELECTRONICALLY FILE a REDACTED Amended Petition, WITHOUT EXHIBITS.**

20 2. The Amended Verified Petition for Return of Child to Petitioner  
21 and Petition for Immediate Issuance of Show Cause Order to Respondent is  
22 **GRANTED IN PART** (temporary restraining order issued), **DENIED AS MOOT IN**  
23 **PART** (request for service of Petition by U.S. Marshals), **and HELD IN**  
24 **ABEYANCE IN PART.**

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1           3.       The following **temporary restraining order** is entered:

- 2           •       Respondent is to surrender any passports for herself and
- 3                   the minor child to the United States District Court at
- 4                   any of the United States Courthouses in Yakima, Richland,
- 5                   or Spokane, Washington.
- 6           •       The removal of the child from the State of Washington is
- 7                   prohibited
- 8           •       Relocating the current residence of the minor child to
- 9                   another location in or out of the State of Washington is
- 10                  prohibited.

11           4.       The temporary restraining order is in effect until the Court  
12 issues an order following a **hearing on Thursday, August 23, 2007, at 8:00**  
13 **a.m.** Petitioner may call into the Court's public conference line 509-  
14 376-8880 (use of mobile/cell phones is prohibited); or Petitioner may  
15 participate by video-conference prearranged by calling the Courtroom  
16 Deputy Debbie Brasel, 509-376-7262, no later than August 20, 2007. Two  
17 days in advance of the hearing the parties are to submit a joint  
18 statement addressing: (1) whether continuation of the terms of the  
19 temporary restraining order are appropriate and/or whether other forms  
20 of injunctive relief are appropriate, (2) whether the child's name should  
21 be entered into the national police computer system (N.C.I.C.) missing  
22 person section, (3) whether Petitioner is entitled access to the child  
23 pending the outcome of the Petition, and if so, the terms of such, (4)  
24 a September 12, 2007, hearing on the Petition and whether discovery is  
25 necessary, (5) the length of the hearing on the Petition and the type of  
26 hearing, i.e. whether affidavits are appropriate evidence at the

1 evidentiary hearing, in lieu of depositions or live or video-conferenced  
2 testimony).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
4 this Order and provide copies to counsel.

5 **DATED** this 17<sup>th</sup> day of August 2007.

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7 S/ Edward F. Shea  
8 EDWARD F. SHEA  
United States District Judge

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